

NOTICE OF ELECTION

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §
 §
LOWER VALLEY WATER DISTRICT §

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TO THE RESIDENT, QUALIFIED VOTERS OF THE
LOWER VALLEY WATER DISTRICT

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TAKE NOTICE that an election will be held in the Lower Valley Water District Texas on November 5, 2019, CONCERNING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT OF \$27,500,000 FOR WATERWORKS, SANITARY SEWER, STORM SEWER, AND SOLID WASTE DISPOSAL SYSTEMS AND THE LEVYING OF A TAX IN PAYMENT THEREOF, ALL in obedience to an ordinance duly entered by the Lower Valley Water District Texas on August 13, 2019, which ordinance reads substantially as follows:

A RESOLUTION CALLING A BOND ELECTION TO BE HELD BY THE LOWER VALLEY WATER DISTRICT, MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION

WHEREAS, the Board of Directors (the *Board*) of the LOWER VALLEY WATER DISTRICT (the *District*) located in El Paso County, Texas (the *County*), hereby finds and determines that an election should be held to determine whether the District shall be authorized to issue bonds of the District in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the District is a municipal utility district created under article XVI, section 59 of the Texas Constitution and operating under chapters 49 and 54, Texas Water Code; and

WHEREAS, the Board will approve an engineer's report covering the land, improvements, facilities, plants, equipment, and appliances to be purchased or constructed from proceeds of the proposed bonds and their estimated cost, together with maps, plats, profiles, and data fully showing and explaining the report. The engineer's report is not part of the proposition or propositions to be voted on, or a contract with the voters. The engineer's report will be filed in the office of the District and open to inspection by the public; and

WHEREAS, such engineer's report, as may be supplemented, contains an estimate of the cost of acquiring and constructing the proposed improvements, facilities, plants, equipment, and appliances as set forth below;

WHEREAS, additional costs and expenses will be incurred by the District incidental to its operation and the financing of its proposed improvements, and the Board has arrived at an estimate of such additional costs and expenses as set forth below; and

WHEREAS, the District will contract with the elections administrator (the *Administrator*) of the County to conduct all aspects of the Election; and

WHEREAS, the Election will be conducted by the County and held jointly with other political subdivisions for which the County is also conducting their elections (such other political subdivisions, collectively, the *Participants*), as provided pursuant to the provisions of an election agreement and/or a joint election or similar agreement between or among (as applicable) the District, the County, and/or any Participants, entered into in accordance with the provisions of Section 271.002, as amended, Texas Election Code; and

WHEREAS, the Board hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the District; now, therefore,

BE IT RESOLVED BY THE BOARD OF LOWER VALLEY WATER DISTRICT, TEXAS THAT:

- A. The aforementioned estimates are as follows:

District Water Projects:

1. Panorama Village Water Distribution System	\$ 173,290.00
2. Varela Road Water Distribution System	\$ 482,780.00
3. Ormsby Court from Middle Drain Road to Alameda Avenue	\$ 306,862.50
4. North Loop Road from Worsham Road to Y-251 Lateral Canal	\$ 1,109,850.00
5. North Loop Road from FM 1110 to Huereque Drive	\$ 3,781,694.50
6. Coffin Road from Elizario Road to Connington Road	\$ 1,304,625.00
7. Alameda Avenue from Cuadrilla Road to Fabens	\$ 3,757,687.50
8. Socorro Road from Hole in the Wall to Fabens	<u>\$ 4,308,937.50</u>
Subtotal Construction Cost	\$15,225,727.00

District Sanitary Sewer Projects:

1. Mesa Del Norte Subdivision	\$ 911,172.00
2. Bejar Estates Subdivision	\$ 2,879,986.81
3. El Conquistador Subdivision	\$ 1,259,300.00
4. Lourdes Estate Subdivision	\$ 1,421,000.00
5. Mesa Verde Subdivision	\$ 387,100.00
6. Cuadrilla Subdivision	\$ 656,600.00
7. Panorama Village Subdivision	\$ 1,000,000.00
8. Leisure Valley Subdivision	<u>\$ 3,042,500.00</u>
Subtotal Construction Cost	\$11,557,658.81

Total Construction Cost \$26,783,385.81

B. All prerequisites to adoption of this Resolution and to the holding of the election called hereby in accordance with law, other than the notice of such election, have been met.

BE IT FURTHER RESOLVED BY THE BOARD THAT:

SECTION 1. The Election shall be held in the LOWER VALLEY WATER DISTRICT on the 5th day of November, 2019 (*Election Day*), which is a uniform election date under the Texas Election Code, as amended, and is 78 or more days from the date of the adoption of this resolution (the *Resolution*), for the purpose of submitting the following proposition to the qualified voters of the District:

LOWER VALLEY WATER DISTRICT PROPOSITION A

“Shall the Board of Directors of Lower Valley Water District be authorized to issue and sell bonds of the District in the principal amount not to exceed \$27,500,000 for the purposes purchasing, constructing, acquiring, owning, operating, repairing, improving, or extending any District works, improvements, facilities, plants, equipment, and appliances needed to accomplish the purposes set forth in section 54.012, Texas Water Code, as amended, for which the District was created, including works, improvements, facilities, plants, equipment, and appliances

needed to provide a waterworks system, sanitary sewer system, storm sewer system, and solid waste disposal system; such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; any issue or series of such bonds to bear interest per annum at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of the Board of Directors, provided that such rate or rates of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of such bonds; and shall the Board of Directors of the District be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?"

SECTION 2. One or more District election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the County election precincts as identified in Exhibit A to this Resolution (which is incorporated herein by reference for all purposes). At least 79 days prior to the scheduled Election Day, or as soon thereafter as is reasonably practicable, the District, acting through the President of the Board of Directors, the General Manager, or their designees, in coordination with the Administrator, or the designee thereof, will appoint the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for this Election, together with any other necessary changes to election precincts and procedures and can correct, modify, or change the Exhibits to this Resolution based upon the final locations and times agreed upon by the Administrator, the District, and the Participants to the extent permitted by applicable law.

A. The Presiding Judge shall appoint not less than two qualified voters of the County to act as clerks in order to properly conduct the Election. To the extent required by the Texas Election Code, as amended, or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

B. On Election Day, the polls shall be open as designated on Exhibit A.

C. The main early voting location is designated in Exhibit B to this Resolution (which is incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This office or place shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Texas Election Code, as amended.

Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained in accordance with the Texas Election Code. In

the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices shall be determined by the Administrator, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint not less than two resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 3. Electronic voting machines may be used in holding and conducting the Election on Election Day; provided, however, in the event the use of such electronic voting machines is not practicable, the Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). Electronic voting machines or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012, as amended, Texas Election Code, the County shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The District shall also utilize a Central Counting Station (the Station) as provided by Section 127.001, et seq., as amended, Texas Election Code. The Administrator, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code. The Board hereby appoints the Administrator, or the designee thereof, as the Tabulation Supervisor and the Administrator, or the designee thereof, as the Programmer for the Station. Lastly, the Administrator will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code.

SECTION 5. The official ballot shall be prepared in accordance with the provisions of the Texas Election Code, as amended, so as to permit voters to vote "FOR" or "AGAINST" the aforesaid proposition which shall appear on the ballot substantially as follows:

LOWER VALLEY WATER DISTRICT PROPOSITION A

"THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$27,500,000 FOR WATERWORKS, SANITARY SEWER, STORM SEWER, AND SOLID WASTE DISPOSAL SYSTEMS AND THE LEVYING OF A TAX IN PAYMENT THEREOF."

SECTION 6. All resident, qualified voters of the District shall be permitted to vote at the Election, and, on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code,

as amended, except as modified by the provisions of the Texas Government Code, as amended, and as may be required by law. To the extent required by law, all Election materials and proceedings shall be printed in both English and Spanish.

SECTION 7. Notice of election, including a Spanish translation thereof, shall be published in a newspaper of general circulation in the District not more than 30 days, and not less than 10 days, prior to Election Day. Moreover, a substantial copy of this Resolution, including a Spanish translation thereof, shall be posted at least 21 days prior to Election Day (i) on the bulletin board used for posting notice of the Board; (ii) at three additional public places within the District, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the District's internet website. A sample ballot shall be posted on the District's internet website not less than 21 days prior to Election Day.

SECTION 8. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, the District, as of its fiscal year beginning October 1, 2018, had outstanding an aggregate principal amount of debt equal to \$2,0545,000; the aggregate amount of the interest owed on such District debt obligations, through respective maturity, totaled \$208,325; and the District levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.0412 per \$100 of taxable assessed valuation. The District estimates an ad valorem debt service tax rate of \$0.08 per \$100 of taxable assessed valuation if the bonds that are the subject of the Election are approved and are issued (taking into account the outstanding District bonds and bonds that are the subject of this Election, but not future bond authorizations of the District). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more 40 years from their date), as prescribed by applicable Texas law, though the District estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated tax rate and amortization period are only estimates, provided for Texas statutory compliance, and do not serve as a cap on any District ad valorem tax rate or the amortization period for bonds that are the subject of this Election.

SECTION 9. The Board authorizes its President or General Manager, or the designees thereof, to negotiate and enter into a joint election agreement or agreements with any other political subdivisions with territory within the County who are also conducting elections on Election Day in accordance with the provisions of the Texas Election Code, as amended, as determined to be necessary or desirable, and to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board is evidenced herein. In addition, the District authorizes its President or General Manager, or the designees thereof, to make such technical modifications to this Resolution that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein.

SECTION 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

SECTION 11. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict,

and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 12. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 13. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 14. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Board hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 15. This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

//s// Henry Trujillo, Secretary, Board of Directors, Lower Valley Water District

Exhibit A

ELECTION PRECINCT AND ELECTION DAY POLLING LOCATION

Election Day: Tuesday, November 5, 2019

Election Day Polling Locations open from 7 a.m. to 7 p.m.

Presiding Judges and Alternates: to be named by the Administrator

District Precinct	County Precinct	Polling Place
1	158	Horizon Heights Elementary School 13601 Ryderwood Ave., El Paso, Texas 79928
2	159	El Paso County Sheriff's Office Community Service Station 12899 Sparks Dr., El Paso, Texas 79928
3	160	H. D. Hilley Elementary School 693 N. Rio Vista Rd., El Paso, Texas 79927
4	161 & 163	Robert R. Rojas Elementary School 500 Bauman Rd., El Paso, Texas 79927
5	162	Chayo Apodaca Community Center 341 N. Moon Rd., El Paso, Texas 79927
6	164	Escontrias Elementary School 205 Buford Rd., El Paso, Texas 79927
7	165	Campestre Elementary School 11399 Socorro Rd., El Paso, Texas 79927
8	169	Carroll T. Welch Elementary School 14510 Mc Mahon Ave., El Paso, Texas 79928
9	170	Clint Independent School District Early College Academy 13100 Alameda Ave., El Paso, Texas 79836
10	171	San Elizario Fire Rescue 1415 San Antonio St., El Paso, Texas 79849
11	172	Rio Valle Woman's Club 521 Mike Maros St., El Paso, Texas 79838
12	173	W.E. Neill Community Center 19210 Cobb Ave., El Paso, Texas 79853
13	180	Desert Wind K-8 School 1100 Colina De Paz Dr., El Paso, Texas 79928

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Exhibit B

EARLY VOTING

Monday, October 21, 2019 and ends on Friday, November 1, 2019.

Early Voting Clerk: Lisa Renee Wise, 500 E. San Antonio, Suite 314, El Paso, Texas 79901.

Presiding Judge of the Early Voting Ballot Board: to be named by the Administrator.

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site. Please note that hours vary by location.

El Paso County Courthouse (3rd floor, back lobby), 500 E. San Antonio, Ave.,
El Paso, Texas 79901 (main location)

Monday, October 21, 2019 through Friday, October 25, 2019	8:00 a.m. – 5:00 p.m.
Saturday, October 26, 2019 through Sunday, October 27, 2019	12:00 p.m. – 5:00 p.m.
Monday, October 28, 2019 through Wednesday, October 30, 2019	8:00 a.m. – 5:00 p.m.
Thursday, October 31, 2019 through Friday, November 1, 2019	7:00 a.m. – 7:00 p.m.

Bassett Place Shopping Mall, 6101 Gateway West, El Paso, Texas 79925

Monday, October 21, 2019 through Friday, October 25, 2019	9:00 a.m. – 6:00 p.m.
Saturday, October 26, 2019 through Sunday, October 27, 2019	12:00 p.m. – 5:00 p.m.
Monday, October 28, 2019 through Friday, November 1, 2019	9:00 a.m. – 6:00 p.m.

Bowling Family YMCA (Vita Room), 5509 Will Ruth Ave., El Paso, Texas 79924

Monday, October 21, 2019 through Friday, October 25, 2019	9:00 a.m. – 6:00 p.m.
Saturday, October 26, 2019	12:00 p.m. – 5:00 p.m.
Sunday, October 27, 2019	closed
Monday, October 28, 2019 through Friday, November 1, 2019	9:00 a.m. – 6:00 p.m.

Canutillo Independent School District Administration Facility (Board Room),
7965 Arcraft Rd., El Paso, Texas 79932

Monday, October 21, 2019 through Friday, October 25, 2019	8:00 a.m. – 5:00 p.m.
Saturday, October 26, 2019 through Sunday, October 27, 2019	12:00 p.m. – 5:00 p.m.
Monday, October 28, 2019 through Friday, November 1, 2019	8:00 a.m. – 5:00 p.m.

Chayo Apodaca Community Center, 341 N. Moon Rd., El Paso, Texas 79927

Monday, October 21, 2019 through Friday, October 25, 2019	9:00 a.m. – 6:00 p.m.
Saturday, October 26, 2019 through Sunday, October 27, 2019	12:00 p.m. – 5:00 p.m.
Monday, October 28, 2019 through Friday, November 1, 2019	9:00 a.m. – 6:00 p.m.

Clint Independent School District Early College Academy (Library), 13100 Alameda Ave.,
El Paso, Texas 79836

Monday, October 21, 2019 through Friday, October 25, 2019	8:00 a.m. – 5:00 p.m.
Saturday, October 26, 2019 through Sunday, October 27, 2019	12:00 p.m. – 5:00 p.m.
Monday, October 28, 2019 through Friday, November 1, 2019	8:00 a.m. – 5:00 p.m.

Dorris Van Doren Library (Auditorium), 551 Redd Rd., El Paso, Texas 79912

Monday, October 21, 2019 through Friday, October 25, 2019	9:00 a.m. – 6:00 p.m.
Saturday, October 26, 2019	12:00 p.m. – 5:00 p.m.
Sunday, October 27, 2019	closed
Monday, October 28, 2019 through Friday, November 1, 2019	9:00 a.m. – 6:00 p.m.

Early Voting By Mail

Applications for voting by mail should be mailed to be received no later than the close of business (5:00 p.m.) on Friday, October 25, 2019. Applications should be sent to:

Lisa Renee Wise
500 E. San Antonio, Suite 314
El Paso, Texas 79901
fax: (915) 546-2220
email: ballotrequests@epcounty.com

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

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